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PLANNING COMMISSION MEETING

THE PLANNING COMMISSION OF WEST BOUNTIFUL CITY WILL HOLD ITS REGULARLY SCHEDULED MEETING ON SEPTEMBER 24, 2013, BEGINNING AT 7:30 PM. THE MEETING WILL BE HELD IN THE CITY OFFICES AT 550 NORTH 800 WEST, WEST BOUNTIFUL, UTAH.

AGENDA AS FOLLOWS:

Welcome. Prayer/Thought by invitation

1. Accept Agenda
2. Consider changes to Sections 17.24.050, 17.20.050, and 17.16.050, Yard Regulations, specifically regarding setbacks for decks
3. Staff Report
4. Approval of July 9, 2013 meeting minutes
5. Adjournment

According to the American's with Disabilities Act, individuals needing special accommodations including auxiliary communicative aids and services during the meeting should notify Cathy Brightwell at 801-292-4486 twenty-four (24) hours before the meeting.

*This notice has been sent to the Clipper Publishing Company, and was posted on the State Public Notice website and on the City's website on **September 20, 2013.***

MEMORANDUM

Date: September 13, 2013
To: Planning Commission
From: Ben White/Cathy Brightwell
RE: Setbacks – Particularly for Decks

Included with this memo is a copy of the City's current residential Yard Regulations with the changes proposed at the August 27th meeting. The new language requires a conditional use permit for any deck encroaching into the rear setback and lists the minimum conditions the Planning Commission will require.

Draft 9/12/2013 - a

Yard Regulations. (17.24.050, 17.20.050, 17.16.050)

The following yard regulations apply in the residential district **R-1-10, et al**:

- A. Setbacks for structures and accessory buildings will be measured from the property line to the nearest foundation or column. A maximum two foot cantilever that does not extend to the ground, such as a bay window or chimney, is allowed in the setback area.
 - 1. **Front yard.** The minimum front yard setback for all structures shall be thirty (30) feet.
 - 2. **Side yard.**
 - a. The minimum side yard setback for all main structures shall be ten (10) feet for any one side, with a combined total of twenty-four (24) feet for both sides.
 - b. The minimum side yard setback for accessory structures shall be six (6) feet, or three (3) feet if built to fire code standards, unless otherwise approved by the planning commission.
 - c. On corner lots, the side yard facing the street shall be not less than twenty (20) feet.
 - 3. **Rear yard.**
 - a. The minimum rear yard setback for all main structures shall be thirty (30) feet.
 - b. The minimum rear yard setback for accessory structures shall be six (6) feet, or three (3) feet if built to fire code standards, unless otherwise approved by the planning commission.
 - 4. **Deck.** A deck encroaching into a setback shall meet the following requirements.
 - a. A deck may only encroach into the rear setback.
 - b. A deck encroaching into a setback requires a conditional use permit and must meet the following criteria:
 - i. Is at least twenty (20) feet from the rear property line;
 - ii. does not encroach more than 200 square feet into the setback;
 - iii. is no higher than the highest finished floor of the structure;
 - iv. the portion that extends into the setback cannot be covered;
 - v. the railing may be no more than ten percent (10%) solid; and
 - vi. other conditions required by the Planning Commission.
- B. **Distance for main structures and accessory buildings.** The minimum distance between all main structures and accessory use buildings shall be ten (10) feet, unless otherwise approved by the planning commission.
- C. **No building on recorded easements.** Main structures and permanent accessory buildings shall not be built on or over any recorded easements (i.e., public utility easements, etc.)

DRAFT 9/12/2013 - b

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 - a. The minimum side yard setback for all main structures shall be ten (10) feet for any one side, with a combined total of twenty-four (24) feet for both sides.
 - b. The minimum side yard setback for accessory structures shall be six (6) feet, or three (3) feet if built to fire code standards, unless otherwise approved by the planning commission.
 - c. On corner lots, the side yard facing the street shall be not less than twenty (20) feet.
 - 3. **Rear yard.**
 - a. The minimum rear yard setback for all main structures shall be thirty (30) feet.
 - b. The minimum rear yard setback for accessory structures shall be six (6) feet, or three (3) feet if built to fire code standards, unless otherwise approved by the planning commission.
 - c. A deck may encroach into a rear setback only with a conditional use permit and under the following conditions.
 - i. The is at least twenty (20) feet from the rear property line;
 - ii. It does not encroach more than 200 square feet into the setback;
 - iii. It is no higher than the highest finished floor of the structure;
 - iv. The portion that extends into the setback cannot be covered;
 - v. The railing may be no more than ten percent (10%) solid; and
 - vi. other conditions required by the Planning Commission.
- B. **Distance for main structures and accessory buildings.** The minimum distance between all main structures and accessory use buildings shall be ten (10) feet, unless otherwise approved by the planning commission.
- C. **No building on recorded easements.** Main structures and permanent accessory buildings shall not be built on or over any recorded easements (i.e., public utility easements, etc.)
- D. **Lot standards and street frontage.** Except as otherwise provided in this title, every lot presently existing or hereafter created shall have such area, width and depth as is required by this title for

1 West Bountiful City

PENDING

August 27, 2013

2 **Planning Commission**

3 **Posting of Agenda** - The agenda for this meeting was posted on the State of Utah Public Notice
4 website and the West Bountiful City website, and sent to the Clipper Publishing Company on
5 August 26, 2013 per state statutory requirement.

6 **Minutes of the Planning Commission meeting and special work session of West Bountiful**
7 **City held on Tuesday, August 27, 2013, at West Bountiful City Hall, Davis County, Utah.**

8
9 **Those in Attendance:**

10
11 **MEMBERS PRESENT:** Chairman Denis Hopkinson, Terry
12 Turner, Alan Malan, and Laura Charchenko.

13
14 **MEMBERS/STAFF EXCUSED:** Mike Cottle.

15
16 **STAFF PRESENT:** Ben White (City Engineer), Cathy
17 Brightwell (Deputy Recorder) and Debbie McKean (Secretary).

18
19 **VISITORS:** Chad Turner, J. Dell Holbrook, Wes Argyle, Kim
20 Kendall, Brian Knowlton, Mike and Karen Wright, Cory Sweat,
21 Sue and Reed Hailes, Joseph and Jan Carbone.

22
23 **SPECIAL WORK SESSION**

24 A special work session was held at 7:00 p.m. on site at 681 West 400 North as this property is
25 proposed to be rezoned from the R-1-10 to the L-I zone in order to build storage units which
26 would include an on-site residential dwelling.

27 Those present at that meeting were Chairman Hopkinson, Laura Charchenko, Alan Malan, Terry
28 Turner, Ben White, Cathy Brightwell, Debbie McKean, J. Dell Holbrook, Wes Argyle, Brian
29 Knowlton, Mike and Karen Wright, Cory Sweat, Sue and Reed Hailes, Joseph & Jan Carbone.

- 30
- 31 • A site plan was provided by Brian Knowlton proposing 110-120 storage units.
 - 32 • Those that gathered walked the site to discuss how it would affect the neighborhood
 - 33 should a rezone be granted. It was pointed out that the current code does not allow a
 - 34 residential unit in a L-I zone although for safety concerns it is recommended to have a
 - resident living on site.

- Mr. Knowlton owns other storage units in the valley. Some of the other locations are Roy, Magna, 1200 South Redwood Road in Woods Cross, and Lehi.
- The walk about ended at approximately 7:25 p.m. and participants returned to City Hall for the regularly scheduled Planning Commission Meeting.

REGULARLY SCHEDULE MEETING

The Planning Commission Meeting was called to order at 7:35 p.m. by Chairman Denis Hopkinson. Chairman Hopkinson offered a prayer.

I. Accept Agenda

Chairman Hopkinson reviewed the agenda. Terry Turner moved to accept the agenda as presented. Alan Malan seconded the motion. Voting was unanimous in favor among members present.

Business Discussed:

II. Consideration of Application to Rezone- 681 West 400 North

Included in the Commissioner's packet was a memorandum dated August 27, 2013 from Ben White/Cathy Brightwell regarding the Rezone from R-1-10 to L-I at approximately 681 West 400 North. The memorandum stated the planning commission is charged to make a recommendation to the city council to approve or deny the application. The memorandum also listed favorable and opposing views. Attached was a copy of Utah Code 10-9a-503 Land use ordinance on zoning map amendments- Limited prohibition on designation of historic district or area. Item #2 on that code was highlighted and states "The legislative body may not make any amendments authorized by this section unless the amendment was proposed by the planning commission or was first submitted to the planning commission for its recommendation. A copy of the Application to Rezone was also attached. Also included for the commissioner's review was a copy of a site map for the area surrounding the proposed Rezone showing UDOT plans for I-15 proposed for 2040.

Prior to this meeting the Commissioners met with concerned residents and Brian Knowlton to do a walk about on the property. Chairman Hopkinson noted that we do not know how wide the power corridor is on that property. Ben White responded that a title search is necessary to know the exact width but most are about 25 feet.

Commissioner/Staff Comment requested by Chairman Hopkinson:

Cathy Brightwell noted that in response to inquiries at the public hearing, a diagram of UDOT's plans for expansion by the year 2040 were included in the packets.

Laura Charchenko

- 69 • First concern is that public comment was overwhelmingly negative.
- 70 • The railroad separates the existing L-I zone from this property making it an island.
- 71 • She is concerned with what would be coming there in the future with the change in
- 72 zoning.
- 73 • She wants to make sure that long term this would be a good plan for that area.

74 **Alan Malan**

- 75 • He is not opposed to the storage units but they would need to look residential in nature.
- 76 • He is opposed to a rezone as he feels it is making an island and is spot zoning.
- 77 • He feels that traffic would pose a problem and that the property owners would be
- 78 negatively impacted.
- 79 • It is also not in harmony with anything in our master plan for that area.
- 80 • Mr. Malan does not see that it is conducive to that neighborhood.

81 **Terry Turner**

- 82 • He is for personal property use as an owner sees fit.
- 83 • He feels that it could be a positive thing but he is concerned with the residents' feelings
- 84 and it not being in their best interest.

85 **Denis Hopkinson**

- 86 • Feels that if the owners of the property want to use that property it needs to stay within
- 87 the current R-1-10 zone.
- 88 • He feels there is overwhelming public consensus to not want the L-1 zone in that area.

89 **ACTION TAKEN:**

90 **Alan Malan moved to deny the application to Rezone at approximately 681 West**
 91 **400 North from R-1-10 to L-I for the following reasons: Rezoning the property**
 92 **would be in the nature of impermissible spot zoning because all surrounding uses**
 93 **are residential, property does not have a street connection to other L-I property**
 94 **making it isolated and accessible only through residentially zoned property; L-I**
 95 **land uses could increase traffic beyond acceptable safety levels; land uses allowed in**
 96 **the L-I zone are not compatible with the neighborhood; neighboring properties will**
 97 **be negatively impacted by the rezone; and public comment on the rezone was**
 98 **overwhelmingly negative. Laura Charchenko seconded the motion and voting was**
 99 **unanimous in favor among members present.**

100 Chairman Hopkinson encouraged Mr. Knowlton to find a use that would meet the current zoning
 101 of that area and come back to the planning commission with a plan. Mr. Knowlton thanked the
 102 commission for their consideration.

103

104 **III. Consider Kim Kendall's Application for a Conditional Use Permit for a Home**
 105 **Occupation License to open Sun Dancer Massage & Bodywork at 2160 North 550 West.**

Commissioner's packets included a memorandum dated August 22, 2013 from Cathy Brightwell regarding an application for a Conditional Use Permit for a Home Occupation-Sun Dancer Massage & Bodywork. The memorandum states that an application was filed on August 20, 2013 by Kim Kendall for a therapeutic massage business in her home. The memorandum informed the Commission that the business will be located in a spare bedroom in her basement, business hours will be from 9 a.m. to 7 p.m. with one client at a time, and client parking will be in her driveway or directly in front of her home. In addition, it stated that Ms. Kendall contacted and obtained signatures from six of her neighbors on August 12, 2013 and none of them have contacted the city to oppose the application. The memorandum also stated affirmative findings and recommended conditions with a final recommendation from staff to approve the CUP.

Attached to the memorandum was a copy of the Conditional Use Permit application, a site plan for the proposed business, a photo copy of her state license, and the Home Occupation Business License application.

Cathy Brightwell introduced the applicant to the Commission and noted the paperwork that has been received. She noted that parking will not be an issue, no employees will be hired, and no signage will be allowed on the property. Applicant has extra insurance coverage for her business. Staff recommends approval of the permit.

Kim Kendall took the stand and addressed the commissioner's concerns:

- **Alan Malan** thought things looked straight forward.
- **Terry Turner** wondered if the applicant knew how to schedule time so that traffic will not affect the neighborhood. She responded that appointments are minimal at this time and that clients would be scheduled with at least a ½ hour between appointments at all times.
- **Laura Charchenko** also felt it looked good and was straightforward.
- **Denis Hopkinson** inquired about a door exiting the basement from her business area. Ms. Kendall described the location of a door in the basement and a window in her massage room. Chairman Hopkinson would like an exit plan posted for customers in case of emergency.

ACTION TAKEN:

Laura Charchenko moved to approve the Conditional Use permit for **Kim Kendall, Sun Dancer Massage & Bodywork** located at 2160 North 550 West with the following findings: the proposed use is desirable to provide a service that will contribute to the general well-being of the neighborhood and community, it will not be detrimental to the health, safety, or general welfare of persons residing in the vicinity or injurious to property in the vicinity, shall not inordinately impact the streets in the area and will comply with the regulations specified in the R-1-10 zoning ordinance. The following conditions shall be met before the permits are issued 1) Health department inspection pursuant to Davis County requirements, 2) clients will park in the driveway or directly in front of the property, 3) no external signage will be allowed, 4) no employees will be hired, and 5) a site map with an emergency exit plan will be posted and obvious to clients. **Alan Malan** seconded the motion and voting was unanimous in favor of those members present.

IV. Consider changes to Sections 17.24.050, 17.20.050, and 17.16.050, Yard Regulations, specifically regarding setbacks for decks.

Commissioner's packets included new draft language dated 8/26/2013 with proposed changes to the Yard Regulation section of 17.24.050, 17.20.050, 17.16.050.

Chairman Hopkinson recapped the request for incorporating the changes in our current ordinance and asked each Commissioner to share their feelings regarding the proposed language in front of them.

Alan Malan likes the proposed changes but thinks there should be more criteria for the condition use permit. Some ideas he would like to see included are the following:

- To not have more than a maximum of 200 sq. ft. encroaching into the setback.
- The deck needs to be as far from the side yard as in the back. Mr. White clarified that it would not be able to extend into the side yards.
- It cannot be higher than the highest livable floor of the home.
- Not more than 10% solid wall can go around the deck. Some discussion took place on examples of materials that can be used and how they could be used.
- The deck must be a minimum of 20 feet from the rear property line.

Terry Turner feels good about the proposals.

Laura Charchenko feels the conditions Alan Malan suggested would be a great addition to the proposal.

Denis Hopkinson likes item "c" but would like the word "may" removed and language added to include "*uncovered decks encroaching into the rear setback require a conditional use permit.*"

Ben White read back how the language would generally read with the proposed changes from Mr. Malan and Chairman Hopkinson.

Ben White noted that in our code Title 15 permits decks less than thirty inches above ground.

ACTION ITEM:

Chairman Hopkinson charged staff to put together the new language and bring it to the next meeting for final approval to forward to city council.

V. Staff Report

- Ben White reported that Holly is moving forward with their plans. Some things they are doing do not require permits because they are in the I-G zone. Mr. Huffman pointed out that we cannot expect them to be permitted in some of the things they are doing. Chairman Hopkinson expressed that we need to know what they are doing and how they are doing it. This keeps the city in the loop of what may impact our city and citizens.

VI. Approval of Minutes of the August 15, 2013 meeting minutes

ACTION TAKEN:

Alan Malan moved to approve the minutes dated August 15, 2013 as corrected. Laura Charchenko seconded the motion and voting was unanimous in favor among those members present.

VI. Adjournment

ACTION TAKEN:

Alan Malan moved to adjourn the regular session of the Planning Commission meeting. Laura Charchenko seconded the motion. Voting was unanimous in favor. The meeting adjourned at 8.28 p.m.

DENIS HOPKINSON-CHAIRMAN

HEIDI VOORDECKERS/CITY RECORDER

DEBBIE MCKEAN /SECRETARY